

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Servants – Revenue Department – Smt. Raheemunnisa Begum, W/o Late Sri Gulam Rasool Shareef, Retired Clerk, Mahabubnagar District – Request for sanction of Service Pension – Rejected – O.A. filed – Orders passed by the Hon'ble A.P. Administrative Tribunal to fix pension of the applicants husband – Contempt Application filed by Smt. Raheemunnisa Begum – Sanction of pensionary benefits and fixation of family pension subject to the outcome of appeal to be filed in A.P. High Court against the orders of Hon'ble A.P. Administrative Tribunal – Orders – Issued.

REVENUE (SER.III) DEPARTMENT

G.O. Ms. No. 991

Dated: 07/08/2008

Read the following:-

1. Govt. Memo No.5904/Ser.III(2)/03-3, Rev, dt: 15.3.2003
2. C.A.No.763/04 in O.A.No.4489/03, dt: 9.9.2004.
3. Govt. Memo No.5904/Ser.III(2)/03-3, Dated: 15.3.2003.
4. O.A.No.537/2007 Dated: 7.6.2007
5. From the District Collector, Mahabubnagar Lr.No. B1/648/02, Dated: 10.8.2007.
6. Contempt Application No.880/2007 in O.A.No.537/2007, dt: 20-12-2007.

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ORDER:-

The Collector, Mahabubnagar in letter dt: 10.8.2007 has informed that one Sri Gulam Rasool Shareef worked as clerk in Civil Supplies wing erst-while Tahsil Office, Wanaparthy for a period of 13 years 1 month 8 days from 15.11.1936 to 13.12.1949 and absconded to duty from 1.1.1950 and did not report to duty before his date of his retirement i.e. 30.6.1972. The date of birth of Late Gulam Rasool Shareef is 2.6.1917 and if he was continued in service, he ought to have retired from service on 30.6.1972 i.e. date of superannuation, but the individual absconded from the duty w.e.f. 1.1.1950 and died on 9.12.1988. The widow of Late Gulam Rasool Shareef approached the Collector, Mahabubnagar in 1996 requesting to sanction the family pension and other pensionary benefits of her late husband and also to sanction the family pension in her favour. Government vide Memo No.347/75 dt: 10.10.1975 have issued instructions to regularize the gap of 22 years as Pension and accordingly the period was regularized treating it as "Dies Non" for the purpose of pension. The proposals for sanction of pension were submitted by the Collector to the Accountant General, Andhra Pradesh, Hyderabad dt:30.5.1999 were returned by them stating that the Government servant absented to duty w.e.f. 1.1.1950 and did not join duty till the date of retirement i.e. 30.6.1972. The total period of absconding from duty comes to 22 years 6 months and as the period of absence was more than (5) years and the proposals should be resubmitted after obtaining the Government orders. Accordingly, the Collector, Mahabubnagar submitted the proposals to the Government for regularization of gap period from 1.1.1950 to 30.6.1972 of Late Gulam Rasool Shareef, Ex-Clerk.

2. In the Government Memo first read above, it was informed that the proposal for sanction of service pension to Smt. Raheemunnisa Begum, W/o Late Sri Gulam Rasool Shareef has been examined in detail and her request has been rejected as Sri Gulam Rasool Shareef retired voluntarily on 31.12.1949 itself

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though no permission was accorded to that effect by the Collector, Mahabubnagar. Hence, the individual is not eligible for any pension under Hyderabad Civil Service Rules as on that date. Aggrieved by the above orders, the individual has filed O.A.No.4489/2003 in Hon'ble A.P.Administrative Tribunal. The Hon'ble A.P. Administrative Tribunal in its order dt: 6.5.2004 directed the respondents to consider and pass appropriate orders on the representation of the applicant dt: 28.4.2003. Further, Hon'ble A.P. Administrative Tribunal in C.A.No.763/2004 in O.A.No.4489/2003 filed by Smt. Raheemunnisa Begum has given a notice on dt: 9.9.2004 to the respondents for willful disobedience of the orders of the Tribunal.

3. Government in the reference 3rd read above, examined the representation of Smt.Raheemunnisa Begum and reiterated its orders issued in Government Memo dt: 15.3.2003 as there are no fresh grounds to consider the request of the individual.

4. In the reference 4th read above, Smt. Raheemunnisa Begum again filed O.A.No.537/2007 in the Tribunal seeking sanction of family pension and other retirement benefits of her husband. The Hon'ble A.P. Administrative Tribunal directed the respondents to fix the pension of the applicant's husband in the light of the Government Memo No.347/75, Dated: 10.10.1975 and pay the same to the applicant together with arrears within eight weeks from the date of receipt of this order.

5. In the reference 5th read above, the Collector, Mahabubnagar requested the Government to issue suitable instructions with regard to Regularization of services from 1.1.1950 to 1.6.1972 as dies-non for the purpose of sanctioning pensionary benefits in the light of the orders of Hon'ble A.P. Administrative Tribunal in O.A.No.537/2007. In the meanwhile, Smt.Raheemunnisa Begum filed a contempt Application No.880/2007 in O.A.No.537/2007 for not implementing the orders of Hon'ble A.P. Administrative Tribunal.

6. Government have decided to file an appeal petition in the A.P.High Court against the orders of Tribunal dt: 14.3.2008 in O.A.No.537/2007.

7. In pursuance of the orders of Hon'ble APAT dt: 14.3.2008 in O.A.No.537/2007, Government hereby regularize the period of absence of Late Sri Gulam Rasool Shareef from 1.1.1950 to 1.6.1972 as dies-non subject to the outcome of the appeal to be filed by Government against the orders of Hon'ble Tribunal dt: 14.3.2008.

8. This order does not preclude the Government to revise or cancel depending upon the orders to be issued by the appellate authority.

9. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P.,Hyderabad/ Collector, Mahabubnagar shall take further action accordingly.

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10. This order issues with the concurrence of Finance (Pension-I) Dept., vide their U.O. No. 21670/172/A1/Pen.II/08, dated : 28-7-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SUDHIR
PRL.SECRETARY TO GOVERNMENT

To
The Special C.S. & Chief Commissioner of Land Administration, A.P.,Hyderabad.
The Collector, Mahabubnagar
The Individual through Collector, Mahabubnagar
Copy to:
The G.P.for Revenue(s), APAT, Hyderabad
The Accountant General, Andhra Pradesh, Hyderabad.
The Pay & Accounts Officer, Hyderabad.
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER